

From: [Curtas, Alex, SOS](#)
To: [Megan O'Matz](#)
Subject: RE: [EXTERNAL] RE: New Mexico possible charges
Date: Wednesday, March 2, 2022 8:48:00 AM

Hey Megan!

I don't have any updates from our side that I know of. But Jerri Mares in the Comms Director at the AG office. Here's her info:

jmares@nmag.org

Jerri Mares
Director of Communications & Legislative Affairs
Office of the Attorney General
Office (505) 717-3543 Cell (505) 321-4372

From: Megan O'Matz <Megan.OMatz@propublica.org>

Sent: Monday, February 28, 2022 10:48 AM

To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>

Subject: [EXTERNAL] RE: New Mexico possible charges

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hi Alex,

Sorry for the delay. We are working to publishing our story about VoteRef later this week.

Any update on the attorney general and whether they will investigate or pursue charges?

If not, do you have a media contact over there at the attorney general's office?

Thank you!

Megan O'Matz

Reporter for ProPublica, Wisconsin

Cell: (954) 873-7576

megan.omatz@propublica.org

<https://www.propublica.org/midwest>

From: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>

Sent: Tuesday, December 21, 2021 10:20 AM

To: Megan O'Matz <Megan.OMatz@propublica.org>

Subject: New Mexico possible charges

Hey Megan,

The issue relates to the transfer and publication of the voter data. This is the crux: "We do not believe providing this personal voter data on a private website that intends to spread

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misinformation about the 2020 General Election meets the definition of appropriate use as either for a “governmental purpose,” “election related,” or “election campaign purposes.”

I've attached our referral letter which lays it all out. Let me know if I can provide any clarification on this. Thanks! -A

Alex Curtas | Communications Director

New Mexico Secretary of State Maggie Toulouse Oliver
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.469.2783 | Desk: 505.827.3613
alex.curtas@state.nm.us

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From: Megan O'Matz <Megan.OMatz@propublica.org>
Sent: Friday, December 17, 2021 12:29 PM
To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Thank you, Alex. Much appreciated.

Question – can you elaborate on how the publication of voter data online may violate state law?

(VoteRef likely will argue that they are using it for election and research purposes.)

Thank you again,

Megan

From: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Sent: Friday, December 17, 2021 12:40 PM
To: Megan O'Matz <Megan.OMatz@propublica.org>
Subject: Re: [EXTERNAL] voter integrity question from ProPublica

Hey Megan,

On the legal issue: Our office believes this publication of voter data by VoteRef.com is in direct violation of the New Mexico Election Code. We do not believe that posting New Mexican's private voting information online is legal use of this information. We will refer the use of this information by VoteRef.com to the New Mexico Attorney General for criminal investigation and prosecution.

I've also attached the email correspondence and the original request and receipt.

Let me know if this works for what you need.

Thanks!

Alex

Alex Curtas | Communications Director

New Mexico Secretary of State Maggie Toulouse Oliver
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.469.2783 | Desk: 505.827.3613
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From: Megan O'Matz <Megan.OMatz@propublica.org>
Sent: Thursday, December 16, 2021 1:05 PM
To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Thank you, thank you....

Megan

From: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Sent: Thursday, December 16, 2021 2:03 PM
To: Megan O'Matz <Megan.OMatz@propublica.org>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Hey Megan,

Looking into all this now. Thanks for sending that email correspondence with LocalLabs. I'll get back to you asap after we track down that email chain and the payment receipt. And we're looking into the legal issue as well and I'll get an answer for you on that, too.

-A

From: Megan O'Matz <Megan.OMatz@propublica.org>
Sent: Thursday, December 16, 2021 11:44 AM
To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Alex,

I see that your law says the voter rolls can be used only for
"Governmental or election and election campaign purposes only." Unlawful use

of lists is a 4th degree felony.

The VoteRef folks say online: " The purpose of this website is to provide public access to official government data pertaining to elections, including voter registration rolls, with a goal of encouraging greater voter participation in all fifty states. Our system of government is based upon citizen participation. We believe the people, in effect, own this data and have a legal right to see it in an understandable and transparent form. " [Vote Reference](#)

Is this an acceptable use under New Mexico law?

Thank you again,

Megan O'Matz

Reporter for ProPublica, Wisconsin

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<https://www.propublica.org/midwest>

From: Megan O'Matz

Sent: Thursday, December 16, 2021 12:30 PM

To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>

Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Thank you, Alex.

I found this attached document on the VoteRef web site, showing someone from LocalLabs contacted Lauren Hutchinson, SOS compliance officer, to access the records.

- Can you send me an unredacted version of this correspondence so I can see who from LocalLabs was asking for the data? LocalLabs provides data to partisan news web sites. (I'm not asking for user ID or account info.)
- Can you provide me with the payment receipt showing who paid the \$5,000 for the data?
- Is there anything improper under New Mexico law about accessing the data this way or posting it all online? I appreciate any link to the relevant statute.

Thank you again for your time in helping us report accurately and fairly on this important issue.

Megan O'Matz

Reporter for ProPublica, Wisconsin

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<https://www.propublica.org/midwest>

From: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Sent: Thursday, December 16, 2021 10:55 AM
To: Megan O'Matz <Megan.OMatz@propublica.org>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Hi Megan,

Simply put, VoteRef.com is misleading the public about New Mexico's voter rolls and are perpetuating misinformation. They reflect a lack of understanding about how the process of voter list maintenance works. These attempts by political operatives to cast doubt on the 2020 elections are an affront to our democracy and to the professionals who run our elections throughout the country. This most recent attempt that you've brought to our attention from VoteRef.com is no different.

To quickly answer your specific questions:

- The “discrepancy” they are alleging stems from their misunderstanding about how voter rolls are maintained by election administrators. The data sets they seem to be comparing were captured at two different points in time. The voting history data from 4/15 is a reflection of the counts at that point in time and *not* of the data as it was on Election Day or on any other day.
- No, our Office has not been contacted by this group to discuss their findings; likely because that would not serve their intended goal of spreading misinformation. New Mexico law requires that this data be requested through a specific process affirming lawful use of this data. However, we do not have a record of this group requesting voter data from our office directly, which brings into question how they obtained this data, if the data has not been manipulated, and if they are using it for a lawful purpose.

Because accusations from political operatives like this are meant to impugn the integrity of our voter rolls, I'd also just want to note that our Office is confident that the processes and procedures already in place for voter list maintenance not only follow all state and federal guidelines and keep our voter rolls clean and up-to-date, but go above and beyond those requirements.

During the voter list maintenance process New Mexico's election administrators, as required

by law, must maintain and update their voter rolls continually -- everything from checking obituaries, receiving monthly reports from NM Vital Statistics about deceased individuals, and suspending or reinstating felons based on conviction notices from the Department of Corrections. This is done in conjunction with the proactive, pro-voter measures already in place in New Mexico, such as automated voter registration, all-mail special elections, and online and same day voter registration. All of these systems combine to ensure that voter information is up-to-date in New Mexico, resulting in our state having some of the "cleanest" voter records in the United States.

Please let me know if that works for what you need.

Thanks,

Alex

From: Megan O'Matz <Megan.OMatz@propublica.org>
Sent: Wednesday, December 15, 2021 11:01 AM
To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Thank you, Alex. I am still reporting and don't have a publication date yet but appreciate your help as soon as convenient.

Best,
Megan

From: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>
Sent: Wednesday, December 15, 2021 11:39 AM
To: Megan O'Matz <Megan.OMatz@propublica.org>
Subject: RE: [EXTERNAL] voter integrity question from ProPublica

Hi Megan,

I'm looking into this now with our staff. Do you have a deadline for this?

Thanks,

Alex

From: Megan O'Matz <Megan.OMatz@propublica.org>
Sent: Tuesday, December 14, 2021 2:56 PM
To: Curtas, Alex, SOS <Alex.Curtas@state.nm.us>

Subject: [EXTERNAL] voter integrity question from ProPublica

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hi Alex,

I'm a reporter with ProPublica and am looking into an organization called VoteRef.com that is posting tens of thousands of voter histories online nationwide, including New Mexico.

The group is alleging a 3,844 discrepancy between the number of ballots reported cast Nov 3, 2020 in New Mexico vs the number of voters shown in the voter history.

[Vote Reference](#) = All states [2020 General Election | Vote Reference](#) = New Mexico

The group says turnout for New Mexico Nov 3 was 928,172. But voter histories obtained by VoteRef on April 15, 2021 show 924,328 participating in that election. That is a difference of 3,844

- What could be the possible explanations for the "discrepancy" in New Mexico?
- And, did your office have any correspondence with this group about their findings or methodology? Can you please provide copies to me?

Thank you,

Megan O'Matz

Reporter for ProPublica, Wisconsin

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